

OFFICE OF THE ATTORNEY GENERAL

91-00203



JIMMY EVANS
ATTORNEY GENERAL
STATE OF ALABAMA

MAR 21 1991

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 242-7300

Honorable Frances L. Phelps
Mayor, Town of Wilsonville
P. O. Drawer 70
Wilsonville, AL 35186

Municipalities - Roads and
Bridges - Funerals - Cemeteries

The Town of Wilsonville may
close the road located in the
city cemetery and allow such
road to be used only for
funerals and visiting the
cemetery.

Dear Mayor Phelps:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

Can the Town of Wilsonville close a
road located in the city cemetery, allowing
the road to be used only for funerals and
visiting of graves?

FACTS AND ANALYSIS

The road in question is paved and is located in the
corporate limits of Wilsonville in the city cemetery on
property owned by the town. It connects with a county highway
and a state highway and is used for visiting the cemetery and

Honorable Frances L. Phelps
Page 2

by people attempting to avoid a main intersection in the city. It was stated in correspondence accompanying your request that gates have been installed at the entrance of the cemetery.

Code of Alabama 1975, § 11-47-22 states that cities and towns have the power to exercise police jurisdiction over lands acquired by the city or town to be used as cemeteries. Given the fact that the cemetery is a city cemetery and the road is on city property in conjunction with the authority given cities and towns in § 11-47-22, it can be concluded that the Town of Wilsonville may close the road located in the cemetery to traffic and allow the road to be used only for cemetery visitation and funerals.

CONCLUSION

The Town of Wilsonville may close the road located in the city cemetery and allow such road to be used only for funerals and visiting the cemetery.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:



JAMES R. SOLOMON, JR.
Chief, Opinions Division

JE/LKO/jho

06650